IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICGTION

Writ Petition NO. 1411 of 2005

Sumatinath Industrial Coop. Hsg. Soc. Ltd. .. Petitioners

vs.

Municipal Corporation of Gr. Mumbai & ors. . ... Respondents

Mr. Vivek Sharma Petitioners
Mr. A. R. Joshi for Respondents

CORAM: **F. I. REBELLO J.**

Date: 23/8/2005

P.C.

1. The Petitioners have approached this court challenging the demand and consequent order of attachment. It is the contention of the Petitioners that no bills have been served on them and and without so doing the Respondents have attached the property for recovery of the said bills. Thus it is submitted that it is contrary to and in violation of the rules as also the principles of natural justice and fair play.

2. On the other hand on behalf of the Respondent their counsel submits that the bills have been forwarded from time to time and in fact the Petitioners have been making payments.

3. The ends of justice can be met if the following directions are issued :

1) The Respondents to forward to the Petitioners the copy of the bills dated 1.10.2000 to 31.3.2003 as also the amended bills for the period 17.3.2001 to 11.11.2002 as also any other and further bills as on date, within fifteen days.

2) If the Petitioners have already made any payments the Respondents to give adjustment for the said amounts.

3) For a period of 8 weeks from today the Respondents not to take any action in respect of the attachment of the property.

4. It will be open to the Petitioners to raise the dispute about the correctness of the bill. If they do not make payments and dispute the correctness of the bills, they may take such steps which they are entitled to in law. All this exercise will be completed within 8 weeks.

5. Petition disposed of in the aforesaid terms.

Parties to act on the authenticated copy of this order.

(F. I. Rebello)